



Land Application Change Rule #01-238(WPCB)

Overview

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to rules for the application of a biosolid, industrial waste products, pollutant-bearing water in 327 IAC 6.1. The purpose of this rule change is to amend and clarify sections of the article that are creating problems for the regulated community and IDEM staff.

Citations Affected

Adds or Amends: 327 IAC 6.1-1-1; 327 IAC 6.1-1-3; 327 IAC 6.1-1-4; 327 IAC 6.1-1-5; 327 IAC 6.1-1-7; 327 IAC 6.1-2-3; 327 IAC 6.1-2-6; 327 IAC 6.1-2-7; 327 IAC 6.1-2-7.5; 327 IAC 6.1-2-8; 327 IAC 6.1-2-10; 327 IAC 6.1-2-12; 327 IAC 6.1-2-13; 327 IAC 6.1-2-14; 327 IAC 6.1-2-20.5; 327 IAC 6.1-2-28; 327 IAC 6.1-2-30; 327 IAC 6.1-2-31.5; 327 IAC 6.1-2-35; 327 IAC 6.1-2-42; 327 IAC 6.1-2-43; 327 IAC 6.1-2-54; 327 IAC 6.1-2-55; 327 IAC 6.1-2-55.5; 327 IAC 6.1-2-61; 327 IAC 6.1-3-1; 327 IAC 6.1-3-2; 327 IAC 6.1-3-3; 327 IAC 6.1-3-4; 327 IAC 6.1-3-7; 327 IAC 6.1-3-8; 327 IAC 6.1-4-1; 327 IAC 6.1-4-3; 327 IAC 6.1-4-4; 327 IAC 6.1-4-5; 327 IAC 6.1-4-5.5; 327 IAC 6.1-4-6; 327 IAC 6.1-4-7; 327 IAC 6.1-4-8; 327 IAC 6.1-4-9; 327 IAC 6.1-4-11; 327 IAC 6.1-4-13; 327 IAC 6.1-4-16; 327 IAC 6.1-4-17; 327 IAC 6.1-4-18; 327 IAC 6.1-4-19; 327 IAC 6.1-5-1; 327 IAC 6.1-5-2; 327 IAC 6.1-5-3; 327 IAC 6.1-5-4; 327 IAC 6.1-6-1; 327 IAC 6.1-6-2; 327 IAC 6.1-6-3; 327 IAC 6.1-7-1; 327 IAC 6.1-7-2; 327 IAC 6.1-7-3; 327 IAC 6.1-7-4; 327 IAC 6.1-7-5; 327 IAC 6.1-7-6; 327 IAC 6.1-7-9; 327 IAC 6.1-7-10; 327 IAC 6.1-7-11; 327 IAC 6.1-7-5; 327 IAC 6.1-8-1; 327 IAC 6.1-8-2; 327 IAC 6.1-8-3; 327 IAC 6.1-8-4; 327 IAC 6.1-8-5; 327 IAC 6.1-8-6; 327 IAC 6.1-8-7; 327 IAC 6.1-8-8.

Affected Persons

Persons that are land applying biosolids, industrial waste water or pollutant bearing water.

Reason(s) for the Rule

Indiana's rule to implement IC 13-18-3, regarding land application and related activities, became effective June 14, 1998. Since that time both IDEM staff and the regulated community have concluded that some inconsequential and some substantive rule changes are required. Inconsequential changes are contextual in nature and provide more clarity. The substantial changes improve and enhance the program.

Economic Impact of the Rule

There is no additional economic cost to the regulated community over and above what the facilities are doing or should be doing currently. The state will see a savings in time and effort because the provisions of the rule will require less time spent on interpretation. The rule may present a savings for small quantity generators of non-domestic pollutant bearing water.

Benefits of the Rule

The rule clarifies the rule requirements. The amendments provide for lessening requirements for persons that land apply small quantities of non-domestic pollutant bearing water.

Description of the Rulemaking Project

The following are considered substantial changes:

1. A small-quantity generator notification program for non-domestic pollutant-bearing water land application programs.
2. Broadening the agricultural lime substitute notification program to include liquid waste products.
3. Delineation of the hybrid land application permit program.
4. Molybdenum concentrations of \$ forty (40) mg/kg are prohibited from application to pasture land.
5. Standard detection limits for seven heavy metals.
6. Clarification of nutrient monitoring requirements and recognition of presampling for nutrients in some cases.
7. Deletion of the suspended solids limits and monitoring requirement for certain stabilization pond systems when disinfection is not required.
8. Recognition of alternative methods of pollutant-bearing water land application to include subsurface methods.
9. Clarification of storage structure applicability and requirements.
10. Elimination of seasonal high water table restrictions during land application.
11. Reduces the monitoring frequencies to times set by 40 CFR 503.

Scheduled Hearings

Second Notice of Comment Period: May 1, 2002, Indiana Register (25 IR 2592).

First Public Hearing: September 11, 2002.

Renoticed First Public Hearing: October 9, 2002.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as appropriate.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rules are consistent with federal laws, rules, and guidance.

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published that contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Lynn West, Rules, Outreach and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).